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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,700	06/25/2003	Makoto Tanaka	1-438	8406
23400 7590 12/12/2007 POSZ LAW GROUP, PLC 12040 SOUTH LAKES DRIVE SUITE 101 RESTON, VA 20191				
			EXAMINER SMITS, TALIVALDIS IVARS	
			ART UNIT 2626	PAPER NUMBER
			MAIL DATE 12/12/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/602,700

**Applicant(s)**

TANAKA, MAKOTO

**Examiner**

Talivaldis Ivars Smits

**Art Unit**

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 2-5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1 and 6-9 is/are allowed.
- 6) ☐ Claim(s) 10-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. In response to the Office Action, mailed 3/22/2007, applicant has submitted an Amendment, filed 9/24/2007, amending claims 1 and 6-8, cancelling claims 2-5, and adding new claims 9-12, without adding new matter. The amendments have led to the allowance of claims 1 and 6-9, and new grounds of rejection for claims 10-12.

### ***Allowable Subject Matter***

2. Claims 1-9 are allowed. The following is an examiner's statement of reasons for allowance:

Amended independent claims 1 and 8 are allowed because they now recite requiring the user to determine whether to affirm or negate the destination setting before the destination setting is executed, being able to make this affirmation or negation by both the switching operation and voice command input.

While Knockeart *et al.* (US Patent 6,968,311) teaches both manual command input as well as alternative input by voice commands for a variety of systems, they do not teach affirming or negating a destination input in their automobile telematics system before the destination setting is executed.

Dependent claims 6-7 and 9 are allowed because they further limit their parent claims 1 and 8, respectively.

***Claim Rejections - 35 USC § 102***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in the prior Office Action.

4. Claims 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Sawada (US Patent 5,754,430).

As per new claim 10, Sawada teaches:

a voice receiving unit configured to receive speech uttered by a user through a voice input (inputting voice through a voice input device including a microphone, the voice used to control a car navigation system, col. 5, lines 8-13 and col. 6, lines 42-50);

a controlling unit configured to identify a designed destination based on the received speech (inherent in the inputted speech used to control navigation functions after the destination is input through voice, col. 5, lines 8-13 and col. 7, lines 19-20) ;  
and

a display unit configured to display both the designated destination and a switch for affirming or negating the designated destination (inherent in scrolling a map displayed on the screen of the image display device, col. 7, line 24, and message image data output by the judgment result means, col. 12, lines 55-61),

wherein the controlling unit is further configured to affirm or negate the destination designation based on one of a switching operation performed at the

displayed switch, or a verbal affirmation or negation command received at the voice receiving unit (verbal affirmation or negation being implied by col. 12, lines 55-61).

As per new claim 11, Sawada teaches:

a display-controlling configured to instruct the display unit to display the switch when the controlling unit identifies the designated destination (touch panel switch, col. 8, lines 64-65); and

an executing unit configured to affirm or negate the designated destination when the switch is operated by the user (inherent in route judgment means not being able to perform the judgment, col. 12, lines 57-58).

As per new claim 12, Sawada teaches that the executing unit is further configured to affirm or negate the designated destination when the verbal affirmation or negation command is received at the voice receiving unit (inherent in the generation of guide information after previous speech recognition problems, col. 12, lines 62-64 and col. 13, lines 3-11).

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: French-St. George *et al.* (US Patent 6,012,030), Hinde *et al.* (US Patent 6,970,824), Knockeart *et al.* (US PAP 2002/0069071), Thomas *et al.* (US PAP

2002/0107696), and Kageyama (US PAP 2003/0014261) variously teach inputting both speech and manual commands.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

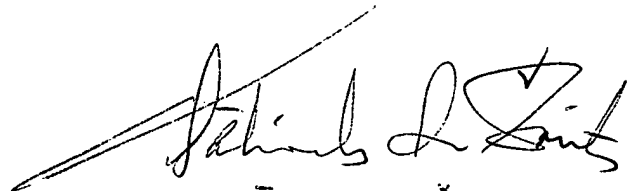
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Talivaldis Ivars Smits whose telephone number is 571-272-7628. The examiner can normally be reached on 8:30 a.m. to 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on 571-272-7602. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

12/10/2007

A handwritten signature in black ink, appearing to read 'Tāļvaldis Nars Šmits', with a large, sweeping flourish extending from the end of the signature.

**TĀĻVALDIS NARS ŠMITS**  
**PRIMARY EXAMINER**